

REMARKS

Applicants have amended their specification, Abstract and Title to correct typographical and grammatical errors; and, in particular, to further describe the structure which includes the structural element, is a "tip", a term usually used in the involved art.

As to use of the term "tip", note the enclosed copy of U.S. Patent No. 5,645,723, which corresponds to Japanese Patent Document No. 9-47278, described by Applicants in the paragraph bridging pages 1 and 2 of their specification. Note the enclosed "Annex", showing various patent family members, and indicating that JP9-47278A corresponds to U.S. Patent No. 5,645,723. As is clearly seen, for example, at column 2, lines 30-33, column 5, lines 41-50 and column 6, lines 30-52, of U.S. Patent No. 5,645,723, pipet "tips" is a term used in this art.

It is respectfully submitted that one of ordinary skill in the art concerned with in the above-identified application, noting particularly Figs. 2 and 5A-5D of Applicants' original disclosure, especially in light of U.S. Patent No. 5,645,723, would have known that the "chips" referred to in Applicants' disclosure as originally filed are --tips-- for trapping nucleic acid. Accordingly, it is respectfully submitted that the present amendments to the specification, including amendment of "chip" to --tip--, do not constitute new matter.

Applicants have similarly amended their claims to recite a "tip". As shown above, clearly this amendment to the claims does not constitute new matter, and clearly the presently amended claims are supported by Applicants' original

disclosure within the meaning of the first paragraph of 35 USC 112.

Moreover, Applicants have added new claims 22 and 23 to the application. Each of these new claims defines a structural element for trapping nucleic acid from a sample liquid, with claim 23 being dependent on claim 22. Claim 22 recites that this structural element is formed from composite particles including resin particles as nuclei and particles of silicon oxide deposited on the surfaces of the resin particles by 3-dimensionally bonding the composite particles to one another. In connection with claim 22, note original claim 4. In connection with claim 23, which recites particle sizes of the resin particles, note claim 5.

The restriction requirement as set forth in the Office Action mailed June 5, 2000, is noted. Pursuant thereto, Applicants respectfully elect the Group I claims, that is, claims 1-8, which the Examiner alleges to be drawn to various chips.

In addition, Applicants note the required election of species, in this Office Action mailed June 5, 2000, "if applicant elects the invention of Group I". Pursuant to this required election of species, Applicants respectfully elect the element of claims 4-6 reading on the elected specie. In addition to claims 4-6, it is respectfully submitted that newly added claims 22 and 23 read on the elected specie.

The required "ELECTION II", on pages 4 and 5 of the Office Action mailed June 5, 2000, is noted. Since Applicants did not elect the Group II claims, there is no need for Applicants to elect one of the species under "ELECTION II".

In view of the foregoing, entry of the present amendments, and examination of the Group I claims (claims 1-8), and specie of claims 4-6 (and new claims 22 and 23) of the Group I claims, in due course, is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 500.37035X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



William I. Solomon
Registration No. 28,565

1300 North Seventeenth Street
Suite 1800
Arlington, VA 22209
Tel.: 703-312-6600
Fax.: 703-312-6666

WIS/slk
Enclosures